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Filing date: **01/10/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91125615
Party	Plaintiff UNIVERSITY OF SOUTHERN CALIFORNIA
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Submission	Confidential Plaintiff's Notice of Reliance
Filer's Name	Michael S. Adler, Esq.
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Signature	/michael adler/
Date	01/10/2006
Attachments	NOR 1 Redacted.pdf (24 pages)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

UNIVERSITY OF SOUTHERN
CALIFORNIA,

Opposer,

v.

UNIVERSITY OF SOUTH CAROLINA,

Applicant.

Opposition No. 91125615

Serial No. 75/358,031

Mark: SC (Stylized)

Filed: September 16, 1997

Published: May 18, 1999

**OPPOSER'S NOTICE OF RELIANCE NO. 1
RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION
AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION
BETWEEN ALL PARTIES**

[VERSION WITH CONFIDENTIAL PORTIONS REDACTED]

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a notice of reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents *except* that the Parties retain the

right to object to material in such documents that constitutes hearsay within hearsay to the extent that such objections would have been otherwise available.¹

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 20 through 26, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Opposer's Exhibit No.	Bates Range	Description
20	OPP 02077 - OPP 02078	Pages from University of Southern California's 1898 student publication entitled <i>El Rodeo</i> showing the University Monogram
21	OPP 00435 - OPP 00436	Pages from University of Southern California's 1907-1908 <i>Varsity Handbook</i> describing the Athletics Monogram
22	OPP 02070 - OPP 02071	Pages from the University of Southern California's 1925 <i>Athletic Code</i> depicting the athletic marks
23	OPP 02391	University of Southern California's Recommended Logos sheet dated 1991
24	OPP 01994 - OPP 02029	University of Southern California's Trademarks and Licensing Services <i>Artwork Guidelines for Licensees</i> (excerpt)
25	OPP 01716 - OPP 01717	Website printout for University of Southern California's Trademarks and Licensing Services <i>Overview</i>
26	OPP 02388 - OPP 02390	Memo from Ken Jackson to Lisa attaching copies of USC's logos and uses from files dated circa 1950s

Opposer hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate that Opposer has consistently considered the "SC" mark and various stylizations thereof to be a formal identifying mark for the institution of the University of Southern California at least since 1898 and that is continuing to use variations of

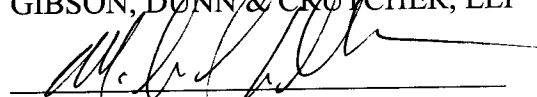
¹ With the exception of handwritten notes contained in OPP 02387-2391.

that "SC" mark in connection with its licensing program for goods as well as in connection with its athletic events.

Dated: January 12, 2006

Respectfully submitted,

GIBSON, DUNN & CRUTCHER, LLP

A handwritten signature in black ink, appearing to read "Scott A. Edelman", is written over a horizontal line.

Scott A. Edelman

Michael S. Adler

2029 Century Park East

Los Angeles, CA 90067-3026

Telephone: (213) 229-7919

Attorneys for Opposer

University of Southern California

EL RODEO

xxxxxxxxxxxxxxxxxxxxxx

UNIVERSITY x OF x SOUTHERN
CALIFORNIA x LOS x ANGELES
CALIFORNIA x x x x x

VOLUME I
x x 1898 x x

PUBLISHED x BY x THE x JUNIOR x
CLASS x OF x THE x COLLEGE x OF
LIBERAL x ARTS x x x x x

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Opposer's
Ex. No. 20, Pg. No. 1.

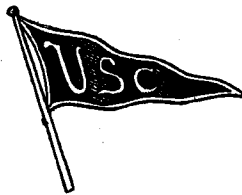
OPP 02077

University Colors

University of Southern California: Gold.
College of Liberal Arts: Cardinal.
College of Music: Blue.
College of Theology: Royal Purple.
College of Medicine: Emerald Green.
Chaffey Collegiate Institute: Olive Green.

x x x

University Pin



x x x

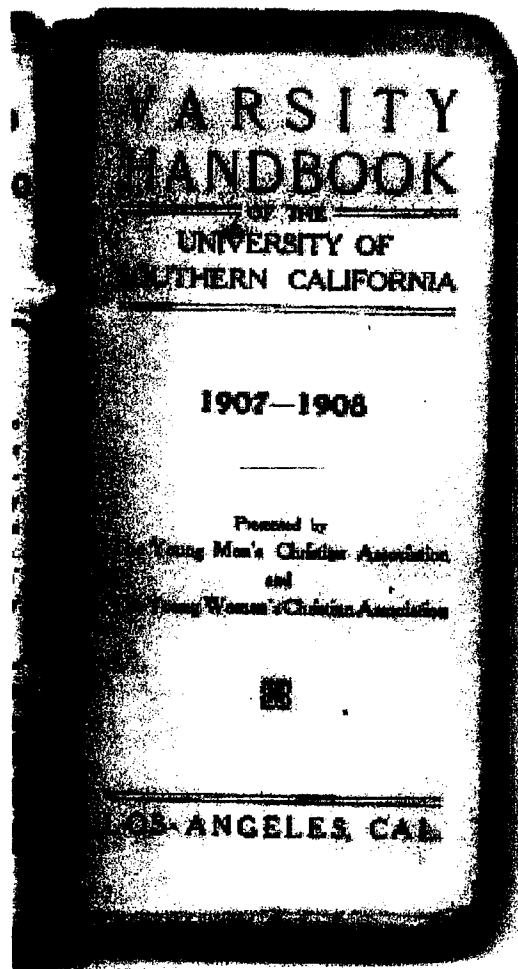
University Yell

Rackety! Hackety! Wah! Who! Wah!
Rackety! Hackety! Wah! Who! Wah!
Zip! Boom! Bah!
Zip! Boom! Bah!
U! S! C! and a Rah! Rah! Rah!

x x x

University Monogram





the Spanish Language and Literature.

Tully C. Knoles, A. B., Professor of History.

Edgar M. von Fingerlin, Ph. D., Professor of Foreign Languages and Literatures.

John B. Johnson, C. E., Professor of Civil Engineering.

ATHLETICS.

MONOGRAM.

The official athletic monogram is a square block S on a square block C. This is granted by the Board of Control or Athletic Committee to such persons as have won it in an inter-collegiate athletic contest. The requirements are: For football, more than one-half; for track, a point in a conference meet or a first or second place in a dual meet; for baseball, one inter-collegiate game of nine innings. The monogram is also granted to representatives in tennis and basketball. This insignia of athletic achievement for the Alma Mater is of great value and should be held sacred by every loyal student in that it shall be worn upon the person of only those to whom it is granted.

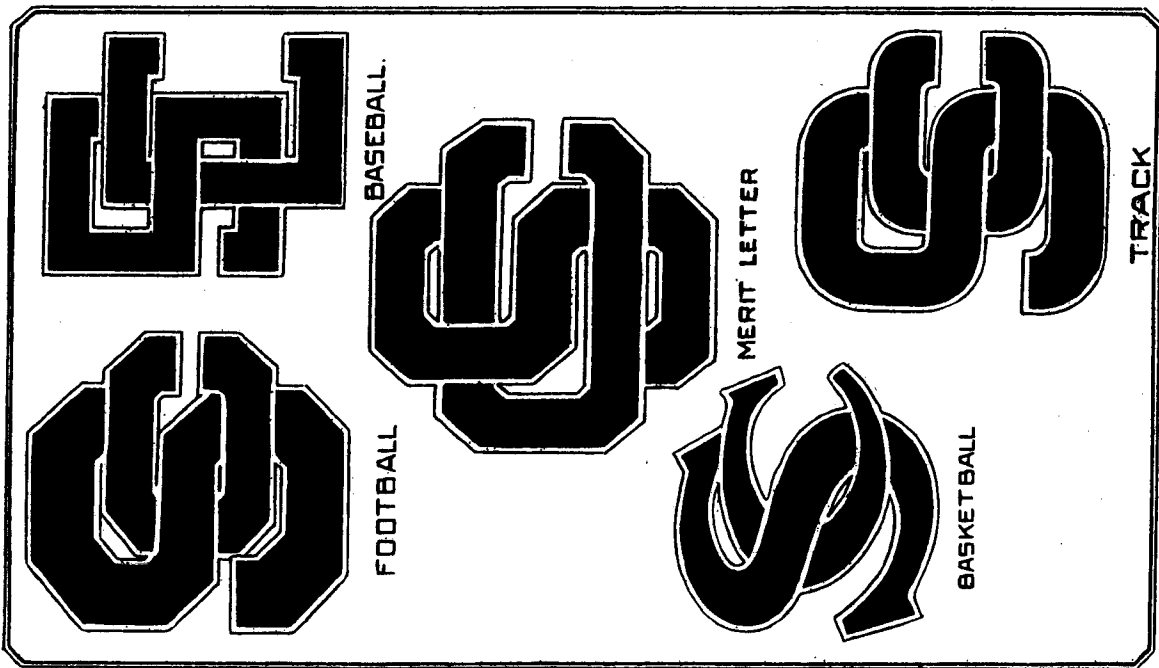
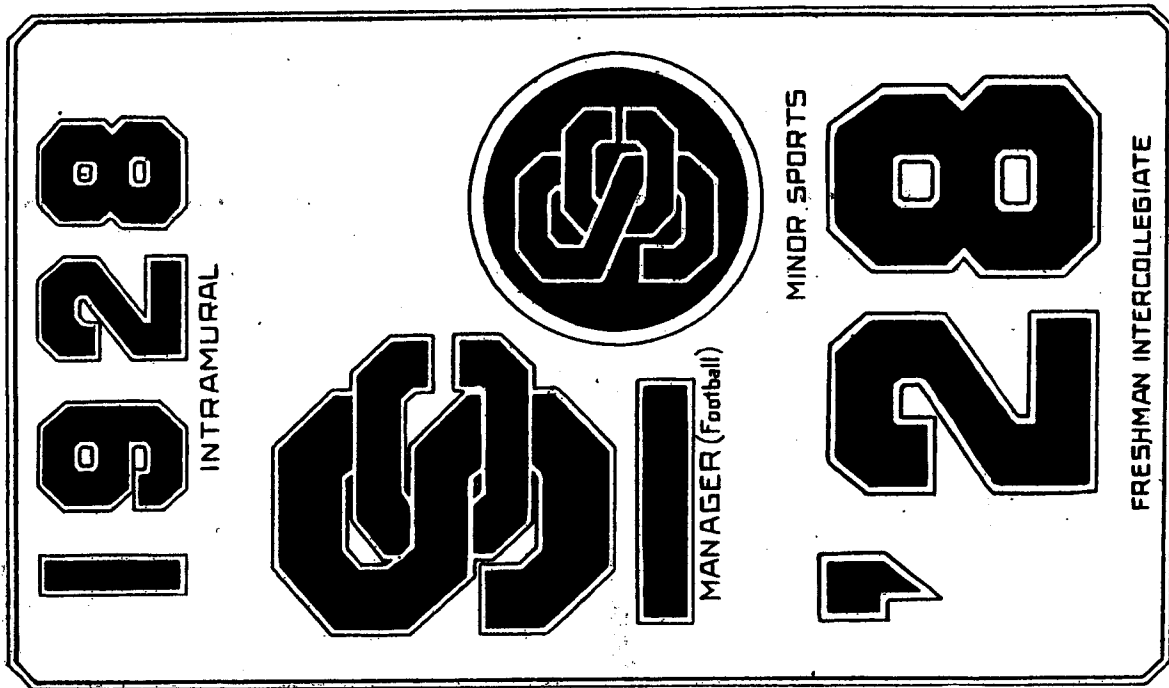
ATHLETIC COMMITTEE.

The control of athletics is placed in the hands of a Committee composed of

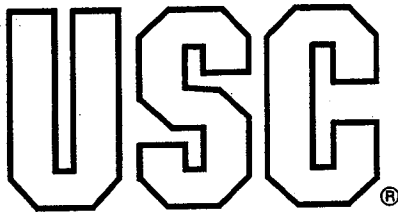
The Athletic Code



Published by direction of
THE GENERAL ATHLETIC COMMITTEE
University of Southern California
1925



Recommended logos



SOUTHERN CAL[®]

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Opposer's
Ex. No. 23, Pg. No. 1

OPP 02391

Southern Cal[®], USC[®], the Trojan Head design[®], and Southern Cal Trojans[®] are registered trademarks of the University of Southern California. Any design utilizing the logos on this sheet is © USC 1991. All rights reserved.

REDACTED
Entire Exhibit No. 24
CONFIDENTIAL

[Home](#) | [Contact](#)
[Trademarks and Licensing](#) > Overview

Overview

External Licensees

Alumni, Students and Spirit

Academic Organizations

Artwork Guidelines for Licensees

Contact Us

2004 National Champions Licensing Information

Overview

USC Trademarks and Licensing Services ("TLS") coordinates both internal and external usage of USC's identifying marks, and serves campus constituencies in trademark- and service mark- related activities such as trademark registration, licensing, and graphic identity issues.

Trademarks and Service Marks Services

USC's identifying marks

The name, seal, and other identifying marks of the university are registered trademarks. TLS works in conjunction with the Office of the General Counsel, and outside counsel to manage the university's portfolio of identifying marks.

Other trademarks and service marks

Academic departments within USC may also have reason to register a trademark or a service mark. TLS coordinates the searching, filing and prosecution of non-identifying USC marks with in-house and outside legal counsel.

Licensing Services

Merchandise Licensing

Established in 1976 to protect the USC name and identifying marks, USC's licensing program was one of the first collegiate licensing programs in the nation. Since that time, individuals and organizations who wish to use the university's identifying marks on commercial products must obtain permission to do so by securing trademark licenses from the university from TLS.

By licensing products which bear the university's marks, TLS seeks to preserve and promote the university's long standing reputation as a center of academic and athletic excellence. USC licenses only those products which reflect positively upon the university; those which are appropriate and in keeping with the mission of the institution.

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OPP 01716

Licensing also enables USC to share in the economic benefits derived from the commercial use of its marks. USC's leadership in research, teaching, service and athletic competition creates a market for products displaying the university's name and marks. Retailers and manufacturers supply this market for USC merchandise. To respond to this demand, the university has established licensing procedures to enable manufacturers and marketers to sell products bearing the university's trademarks.

Students, faculty, alumni, staff, friends and the general public support the university and its mission by purchasing licensed products.

Non-Merchandise Licensing

TLS is also the contact point for licensing new trademarks that do not incorporate any of USC's identifying marks, and may not involve merchandise. Such licenses may be granted for the use of USC's name by a USC department's external partner, or be licenses for trademarks intended to appear on a specific technology developed at USC.

TLS provides a linkage between outside intellectual property legal counsel and USC organizations. We work cooperatively with the Office of the General Counsel.

Graphic Identity Services

As one of the university's authorized design centers, TLS is a resource for graphics and guidelines for the university's identifying graphics. (See: USC Graphic Identity Program)

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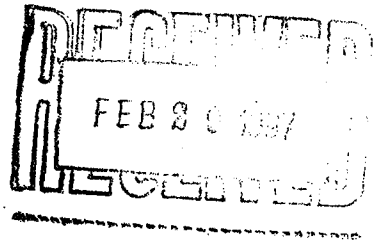
Opposer's
Ex. No. 25, Pg. No. 2

OPP 01717

~~28~~ 974-1270

2B/974 - 1403

1431 974-1366

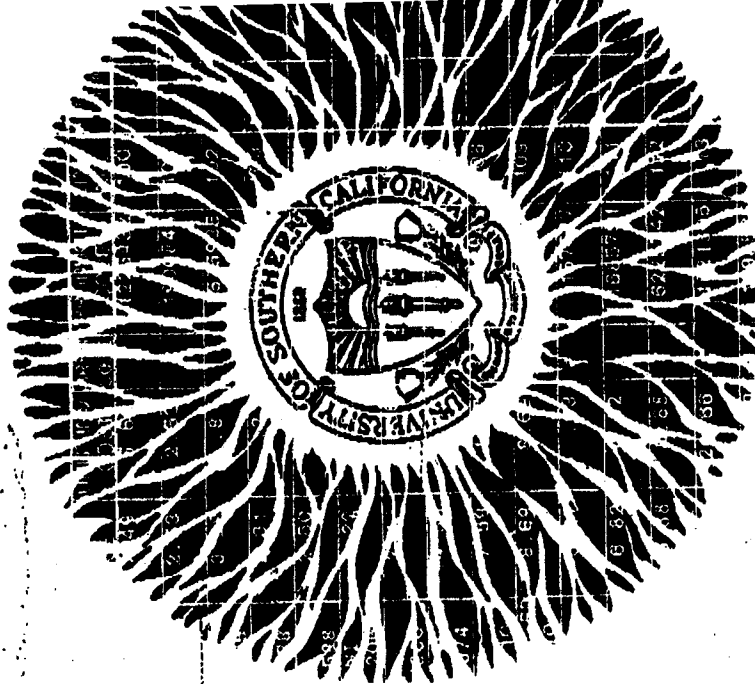


✓ From: Ken Jackson
County of Los Angeles

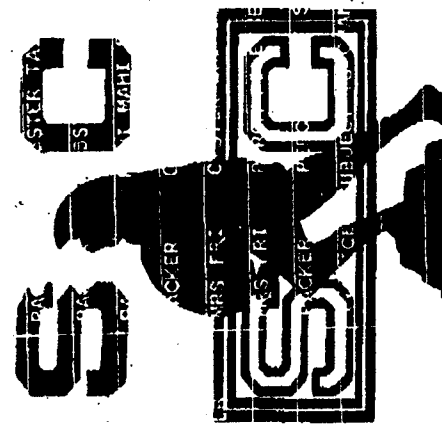
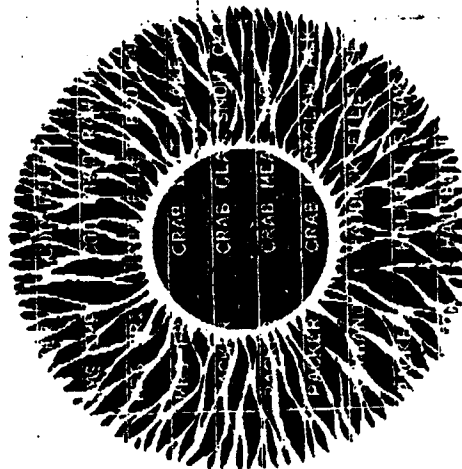
Attn: Lisa (?)

regarding the current
logos and their uses
for USC.

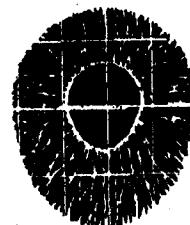
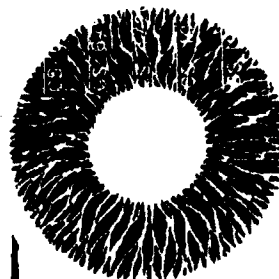
These are copies from
our scrap files circa
1950's



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Opposer's
Ex. No. 26, Pg. No. 3



OPP 02390



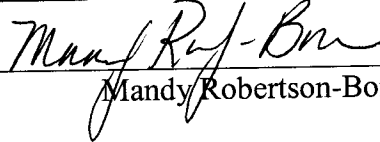
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S NOTICE OF RELIANCE NO. 1 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES** is being placed in the United States mail, first class, postage pre-paid, on January 10, 2006, addressed to the following:

John C. McElwaine
Liberty Center, Suite 600
151 Meeting Street
Charleston, SC
29401-2239

Attorneys for Applicant University of South Carolina

A copy is being sent by e-mail to JCM@nmrs.com on the same date.


Mandy Robertson-Bora